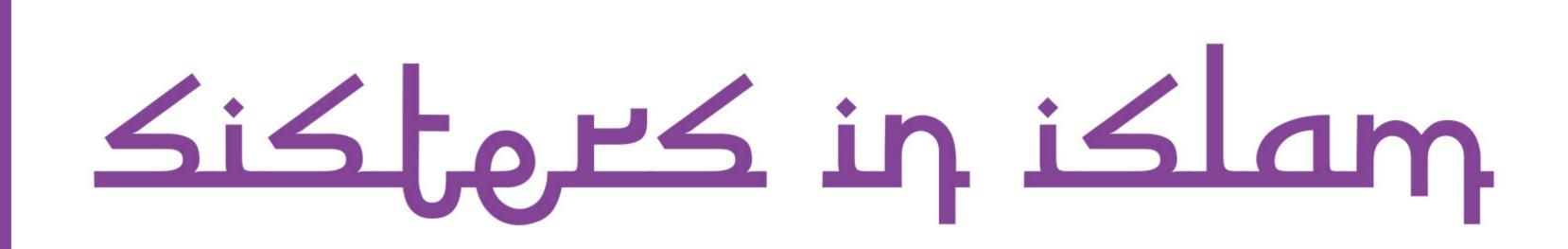
REGIONAL WORKSHOP ON FREEDOM OF RELIGION AND BELIEF AND GENDER EQUALITY FOR SOUTH AND SOUTHEAST ASIA



Rozana Isa Executive Director 12th June 2023

OUR HERSTORY



SIS Founding members with the late Tan Sri Napsiah Omar, Minister for National Unity and Social Development

1987

A group of 8 women who are lawyers, activists, academics and journalists came together to address issues faced by Muslim women at the Syariah courts.

letter to the editor and signed off as Sisters in Islam.

The group wrote its first The group formally registered themselves as SIS Forum MALAYSIA. SIS became a global leading voice in challenging laws and policies that are discriminatory to women and other minorities.

CONTEXT OF 1980s (RISE OF POLITICAL ISLAM)

 Discrimination against women in law and practice.
 Muslim Family Law, Syariah Criminal Offences Laws, Hudud law

- Trajectory of law reform towards increased discrimination
- Women's demands for law reform, for equality and justice seen as going against God.

IMPACT ON SOCIETY

- 1. Discrimination against religious minorities Syiah, Ahmadiyyah
- 2. Conversion of indigenous peoples to Islam
- 3. Limitations on the rights of children relating to personal matters governed by Islamic law
- 4. Discrimination against persons to convert from Islam
- 5. Prohibitions on the use of the word "Allah" by non-Muslims
- 6. Criminalisation and prosecution of proselytism among Muslims;
- 7. Relationship with freedom of expression and the crime of sedition.

IMPACT ON SOCIETY

- 8. Changes in terms of tolerance towards transgender communities and later LGBTIQ persons and communities
- 9. Incidents of body-snatching of converts upon their death
- 10. Enforcement of the Syariah Criminal Offences Laws (SCOA)
- 11. The existence of institutions to rehabilitate wayward Muslims for the myriad of vague SCOA offences
- 12. The demonisation of liberalism and pluralism --> fatwa against SIS

MAIN AREAS OF CONTESTATION

Jurisdictional disputes affecting the adjudication of matters relating to religion and belief – between civil courts, which apply federal and state laws, and Syariah courts, which apply Islamic laws.

Exacerbated by a lack of clarity in existing jurisprudence and law about this dual jurisdictional regime, the scope of matters heard by Syariah courts has expanded, resulting in diminished access to civil remedies.

Despite the protections offered by the Constitution, legal safeguards to protect the rights of Muslims in respect of personal and family matters remain inadequate, and there is little protection for persons who wish to change their religion.

This situation has had a particularly detrimental impact on already at-risk populations, such as religious minorities and children.

Unilateral conversion of children whose parent converted to Islam

Simplified: The Federal Court's groundbreaking Indira Gandhi judgment



The Federal Court's decision in M. Indira Gandhi's case has been praised by the G25 group as a courageous decision that delivered justice and reaffirmed important constitutional law principles. — Picture by Zuraneeza Zulkifli

The Federal Court examined these three questions of law:

1. Whether the civil courts have exclusive jurisdiction and inherent jurisdiction to review the actions of a public authority (e.g. Registrar of Muallafs)?

Short answer: Yes.

About the Federal Constitution's Article 121(1A)

Article 121(1A) says civil courts shall have no jurisdiction in respect of any matter within the jurisdiction of the Shariah courts

The core question: Does Article 121(1A) grant exclusive jurisdiction to Shariah court in all matters of Islamic law, including those relating to judicial review?

Short answer: No.

Unilateral conversion of children whose parent converted to Islam

Simplified: The Federal Court's groundbreaking Indira Gandhi judgment



The Federal Court's decision in M. Indira Gandhi's case has been praised by the G25 group as a courageous decision that delivered justice and reaffirmed important constitutional law principles. — Picture by Zuraneeza Zulkifli

2. Whether a child from a non-Muslim marriage must comply with legal requirements in state laws before the Registrar of Muallafs can register the conversion to Islam.

(In Indira's case, the relevant state law is Religion of Islam (Perak) Enactment 2004, particularly Section 96(1) which requires the person converting to say in Arabic the two clauses of the Affirmation of Faith out of their own free will and with understanding of the meaning "for a valid conversion" to Islam; and Section 106(b) which says a child may convert if he is of sound mind and his parent or guardian consents in writing).

Short answer: Yes.

Unilateral conversion of children whose parent converted to Islam

Simplified: The Federal Court's groundbreaking Indira Gandhi judgment



3. Whether the mother and father (if both are still surviving) must consent before a certificate of conversion to Islam can be issued for a child from their civil marriage?

Short answer: Yes. Consent of both parents for conversion is needed.

The certificates of conversion of Indira's children to Islam are invalid because they were issued without Indira's consent, which violated the Federal Constitution's Article 12(4) and Guardianship of Infants Act.

The Federal Court's decision in M. Indira Gandhi's case has been praised by the G25 group as a courageous decision.

Respect Separation of Powers — Enforce Pronouncement of the Federal Court in the Indira Gandhi Case Without Delay

Inspector General of Police ("IGP") stating "I know where he (Indira's ex-husband) is, so come forward and let's resolve this, and he can remain in the country where the children will receive complete education. Don't hide anymore".

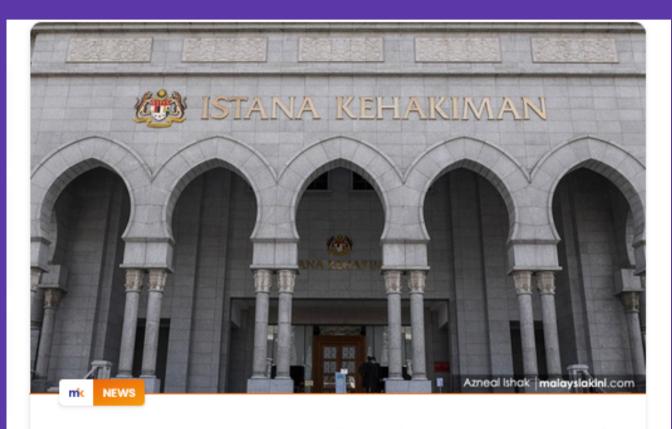
Controversy still surrounds the status of the youngest child, Prasana Diksa, who was reported to have been abducted by Muhammad Riduan Abdullah. It is also reported that Indira Gandhi has not had any contact with either her daughter, or her ex-husband. It is in view of these facts, that the revelations by the IGP are startling and warrant immediate action.

It is not for the police in such cases to mediate between the enforcement of the decision of the Federal Court and the parties of the case, or to strive for a "win-win" outcome to the case. It is imperative, within our constitutional scheme, that the various branches of Government, and the agencies that constitute these branches, comply and act in accordance with the pronouncements of such court orders. The separation of powers is designed to be a system of checks and balances. Any act, on the part of any officer, contrary to the pronouncements of the decision of the court, would create chaos and discord in society.

The Malaysian Bar therefore, calls on the IGP to carry out and enforce the pronouncement of the Federal Court in 2018, and to pursue the immediate return of Prasana Diksa to her mother.

Abdul Fareed Abdul Gafoor President Malaysian Bar 3 February 2020

Unilateral conversion of children whose parent converted to Islam



Court upholds nullification of two kids' Islamic conversion

Hidir Reduan Abdul Rashid
Published: Oct 27, 2021 11:26 AM · Updated: 3:22 PM

The Court of Appeal today upheld a lower court ruling that nullified the Islamic conversion of two children locked in a legal tussle between their Buddhist father and Muslim-convert mother.

A three-person bench, chaired by judge Zabidin Diah, unanimously dismissed the appeal by the mother and Federal Territory Muallaf Registrar. The father's counsel, Honey Tan confirmed the outcome of today's hearing of the appeal. The other members of the bench were S Nantha Balan and Nordin Hassan.

"The two appeals were dismissed. So, the children remain Buddhists.

"The CoA (Court of Appeal) basically held that they were bound by the FC's (Federal Court) decision in M Indira Gandhi's case, namely both parents must agree before converting children to Islam," Tan said.

Tan was referring to the landmark 2018 Federal Court decision that consent of both parents is necessary for Islamic conversion of a child, in relation to the unilateral conversion case involving the children of kindergarten teacher Indira and her ex-husband and Muslim convert Muhammad Riduan Abdullah.

This apex court ruling is a departure from the 2007 verdict in the case of R Subashini vs T Saravanan, which saw the wife instructed to seek recourse through the Syariah Appeals Court over her convert husband converting their children to Islam without her consent.

Unilateral conversion of children whose parent converted to Islam

Abuse survivor's ordeal sheds light on Malaysia unilateral conversions



This picture taken on May 30, 2022 shows Loh Siew Hong (right) hugging her son next to her other children by a rive in Gombak. — AFP pic

But cases such as Loh's continue to occur, and critics say authorities sometimes seem reluctant to intervene for fear of being seen as "un-Islamic".

Loh said those who sided with her ex-husband's decision to convert the children from Hinduism to Islam, and sought to keep them separated from her, were not respecting the top court's decision.

"They are still putting obstacles before me — why are they doing this?" she asked. "They are stopping their children from being with their mother." Loh has a mixed background, with an ethnic Chinese father and ethnic Indian mother.

Unilateral conversion of children by the State of Perlis



Mufti Perlis dakwa anak-anak Loh tidak mahu bersama ibu mereka

38,506 views Premiered Feb 17, 2022

Mufti Perlis Mohd Asri Zainul Abidin mengakui negeri itu telah menukar agama secara sebelah pihak, tiga anak bawah umur Loh Siew Hong tanpa pengetahuannya.

Menurutnya bapa mereka telah membawa anak-anak itu untuk ditukarkan agama di Jabatan Agama Perlis pada Julai 2020 dan mendakwa tidak tahu di mana ibu mereka berada.

Dalam pada itu kata Asri, tiada masalah yang timbul sekiranya anak-anak tersebut ingin kembali ke pangkuan ibu mereka, namun katanya mereka enggan berbuat demikian.

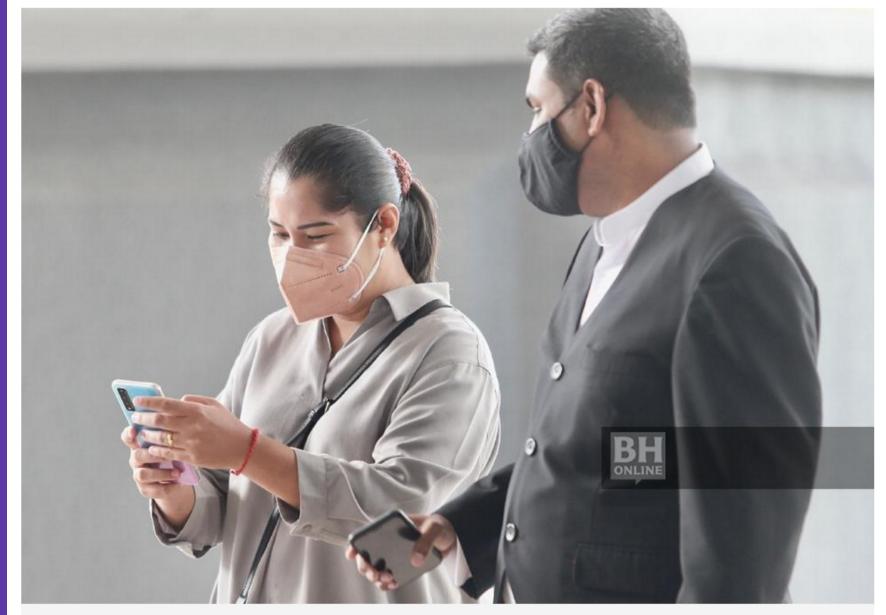
Show less

Perlis Mufti Mohd Asri Zainul Abidin admitted that the state had unilaterally converted Loh Siew Hong's underage children without her knowledge. According to him, their father had brought the children to be converted at the Perlis Religious Department in July 2020 and alleged that he didn't know where their mother was. Asri further stated that there was no problem if the children wanted to go back to their mother but they didn't want to do so.

Unilateral conversion of children by the State of Perlis

MAIPs ada hak perundangan kes Loh Siew Hong

Oleh Faris Fuad - April 29, 2022 @ 3:47pm faris.fuad@bh.com.my



Ibu tunggal Loh Siew Hong, hadir untuk pendengaran permohonan MAIPs untuk mencelah dalam petisyen penceraian di Mahkamah Tinggi Kuala Lumpur. - Foto FATHIL ASRI

Perlis Religions Council has legal rights as intervener in divorce petition between Loh Siew Hong and her ex-husband.

MAIPS lawyers stated that his client is responsibility to ensure that the children have access to their rights and interests as new relations after their conversion that was registered in Perlis.

He said, MAIPs is not challenging the custody order that was given to the mother, as the application to intervene is to ensure that the welfare of the newly converted children is looked after.

MAIPs is not a busy body but we have statutory responsibility to ensure the care and welfare of Muslims, in this case where it concerns underage children.

MAIPs' appeal of the court's decision to intervene in the divorce petition will be heard in the Court of Appeal on February 7, 2023.

Unilateral conversion of children by the State of Perlis

Hindu mother Loh Siew Hong to find out if able to challenge children's unilateral conversion in court



Loh Siew Hong (right) together with her lawyers leave the Kuala Lumpur High Court in Kuala Lumpur June 15, 2022.

— Picture by Shafwan Zaidon

Unilateral conversion of kids: Court allows single mum Loh Siew Hong to initiate committal proceedings against ex-husband



Loh Siew Hong with her lawyers leave the Kuala Lumpur High Court, June 15, 2022. — Picture by Shafwan Zaidon

Unilateral conversion of children by the State of Perlis

High Court rules Hindu mum Loh Siew Hong's three kids' unilateral conversion to Islam 'lawful'









Loh Siew Hong (centre) and her lawyers are seen leaving the Kuala Lumpur High Court June 15, 2022. — Picture by

Follow us on **Instagram**, subscribe to our **Telegram** channel and **browser alerts** for the latest news you need to know.

By Kenneth Tee

Thursday, 11 May 2023 4:51 PM MYT

KUALA LUMPUR, May 11 — Hindu mother Loh Siew Hong has today failed to challenge her three children's unilateral conversion to Islam after the High Court declared their conversion by her exhusband to be lawful, despite done without her consent

Children's certificates of conversion not disputed

In his broad grounds, Wan Ahmad Farid said there was no dispute arising pertaining to the certificates of conversion issued against the three children by the Registrar of Mualaf after having satisfied the legal requirements under the state's legal provision which allows for one parent to convert a child unilaterally were adhered to.

Citing the aforementioned appellate court case, Wan Ahmad Farid said the majority held that a certificate of conversion to Islam shall be conclusive proof of the facts stated therein; which can similarly be applied in Loh's case.

Wan Ahmad Farid also noted the second respondent's affidavit, namely the Perlis Islamic Religious and Malay Customs Council (MAIPs), where its chief executive Mohd Nazim Haji Mohd Noor affirmed that the three children had expressed their faith and determination to remain in the religion.

In the affidavit, Mohd Nazim had said that the children expressed their intention through their actions and behaviour a day after they were ordered by the court to be released to their mother's custody in February 2022, where it was said they were still performing Subuh prayers; with one child even expressing an ambition to be a shariah lawyer in the future.

"In response, the applicant (Loh) denied this in her further affidavit. It was a bare denial. After having obtained custody of the child pursuant to the *habeas corpus* order, the three children were staying with the applicant.

"However, the applicant did not deny the affirmative assertion that the three children continued professing the religion of Islam in performing the daily Subuh prayers when they were in her custody," he said.

Thus, even if the certificates of conversion were not conclusive proof in view of its unilateral nature, Wan Ahmad Farid said the "force of the evidence" would suggest that the three children continued professing the religion of Islam.

Wan Ahmad Farid also made no order to cost in view of the public interest regarding the case.

FREEDOM OF RELIGION

BORN TO MUSLIM FATHER AND BUDDHIST MOTHER (parents not married)

Malaysian woman born to Muslim father and Buddhist mother wins appeal in Federal Court, declared not a Muslim



Tengku Maimun and six other judges decided that the evidence showed that Rosliza was born illegitimate and that the facts do not show her as being a Muslim. — Picture by Yusof Mat Isa

Friday, 05 Feb 2021 10:58 AM MYT

KUALA LUMPUR, Feb 5 — A Malaysian woman who was born to a Muslim man and a Buddhist woman out of wedlock finally won her five-year-long legal battle to be declared a non-Muslim, after a majority of the judges decided that the facts showed both she and her mother were never Muslims.

A nine-judge panel at the Federal Court headed by Chief Justice Tun Tengku Maimun Tuan Mat unanimously decided that 39-year-old Selangor resident Rosliza Ibrahim had won her appeal.

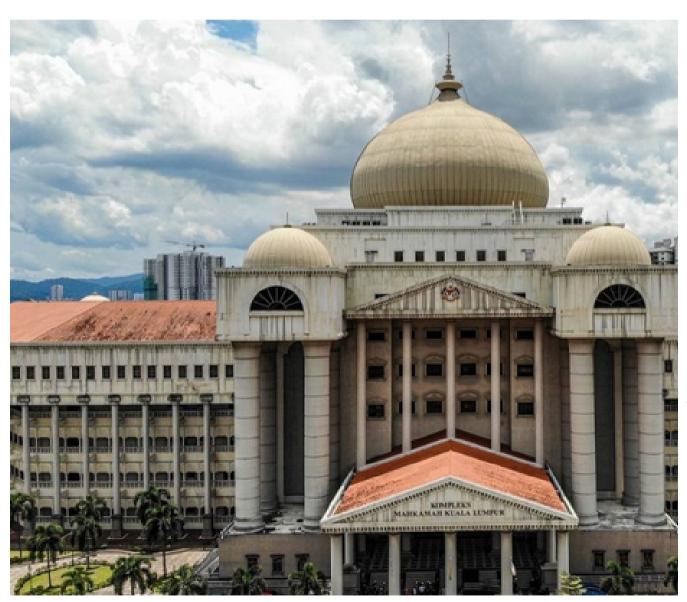
As part of the decision, Tengku Maimun and six other judges on the panel decided that the court will grant all the court orders sought by Rosliza, after having decided that the evidence showed that she was born illegitimate and that the facts do not show her as being a Muslim.

The three court orders sought by Rosliza include a declaration that she is illegitimate and that the late Buddhist woman Yap Ah Mooi is her mother, as well as a declaration that she is not a person professing the religion of Islam and that all Selangor state laws for Muslims do not apply to her and that Selangor Shariah courts do not have jurisdiction over her.

She had also wanted a court declaration that the putative father of an illegitimate child does not fall under the definition of "parents" in the interpretation of "Muslim" in Section 2(b) of the Administration of the Religion of Islam (State of Selangor) Enactment 2003. Under Section 2(b), a person — who had either a parent or both parents being Muslim at the time of the person's birth — will be considered to be a Muslim.

FREEDOM OF RELIGION BORN TO MUSLIM CONVERT FATHER AND MUSLIM MOTHER

Court says won't proceed to hear Malaysian woman's bid to leave Islam for Confucianism, Buddhism



The Kuala Lumpur High Court delivered the decision through email with no grounds given.

Wednesday, 15 Jun 2022 5:12 PM MYT

KUALA LUMPUR, June 15 — The High Court here today rejected leave for a lawsuit by a Malaysian woman who wants to be declared no longer a Muslim in order to be free to embrace Confucianism and Buddhism.

This means the High Court will not proceed to hear her case. She has however filed an appeal immediately.

Federal counsel Mohammad Sallehuddin Md Ali, who represented the attorney-general, confirmed that High Court judge Datuk Ahmad Kamal Md Shahid had dismissed the woman's application for leave for judicial review.

"Leave dismissed with costs of RM2,000 to AGC," he said referring to the Attorney-General's Chambers, confirming that the decision was delivered through email with no grounds given for the decision.

The woman's lawyer Fahri Azzat confirmed that his client's application for leave for review was dismissed in a decision delivered by an email sent by the court interpreter at 3.28pm, and that the costs of RM2,000 was determined at 4.29pm after a short submission through email.

FREEDOM OF RELIGION CONVERSION OF INDIGENOUS COMMUNITIES TO ISLAM

Stop religious pressure on Orang Asli in Pahang, Siti Kasim begs authorities

FMT Reporters - May 2, 2021 4:32 PM

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64









Siti Kasim claimed that the villagers were forced to embrace Islam in the 1990s after believing they would be evicted. (Bernama pic)

PETALING JAYA: Lawyer Siti Kasim has called on religious authorities to stop pressuring and forcing the Orang Asli from the Batek tribe in a village in Pahang to remain as Muslims.

In a nine-minute video uploaded on her Instagram, Siti claimed that the villagers had been coerced into embracing Islam in the 1990s, adding that they knew nothing of the faith and were not practising Muslims.

She said the villagers told her that they had been under the impression that they would be evicted from their village if they did not embrace Islam.

The villagers, she said, now want to go to court to renounce Islam, but have been facing pressure not to do so.

According to the villagers, Orang Asli religious authorities and the Department of Orang Asli Development had since visited them to offer aid, such as rice.

Siti said the villagers were now worried.

Siti said "enough is enough" and that the authorities should not insist on them remaining as Muslims if they did not want to.

Siti urged the authorities to stop applying pressure on the Orang Asli.



Siti Kasim.

Mentega Tempany FILMS AND FREEDOM OF EXPRESSION ON FREEDOM OF RELIGION AND BELIEF

Malaysia filmmakers face fury of religious conservatives as Mentega Terbang becomes latest cultural war target

- A belated backlash against 2021 film 'Mentega Terbang' on charges of coaxing schoolchildren to leave Islam has sparked debate on censorship's impact
- Conservatives are pushing for state censors to extend their reach to streaming services, a
 the Malaysian film industry worries for its future

Mentega Terbang

FILMS AND FREEDOM OF EXPRESSION ON FREEDOM OF RELIGION AND BELIEF

Acid and paint splashed on Mentega Terbang director and screenwriter's cars [NSTTV]

KUALA LUMPUR: Two cars belonging to controversial film Mentega Terbang director Khairi Anwar Jailani and screenwriter Arjun Thanaraju were reportedly splashed with paint and acid today.

Several images of the incident in Kajang and Ampang have gone viral on social media today showing the condition of the vehicles, a Proton Saga and a Toyota Vios, apart from death threat notes left by the perpetrators.

The death notes reading "You and your family must die", "Mentega Terbang don't challenge Islam" and "Remember (this) Mentega Terbang family" were left on both the vandalised cars.

FATWA AGAINST SIS - 2014 until present



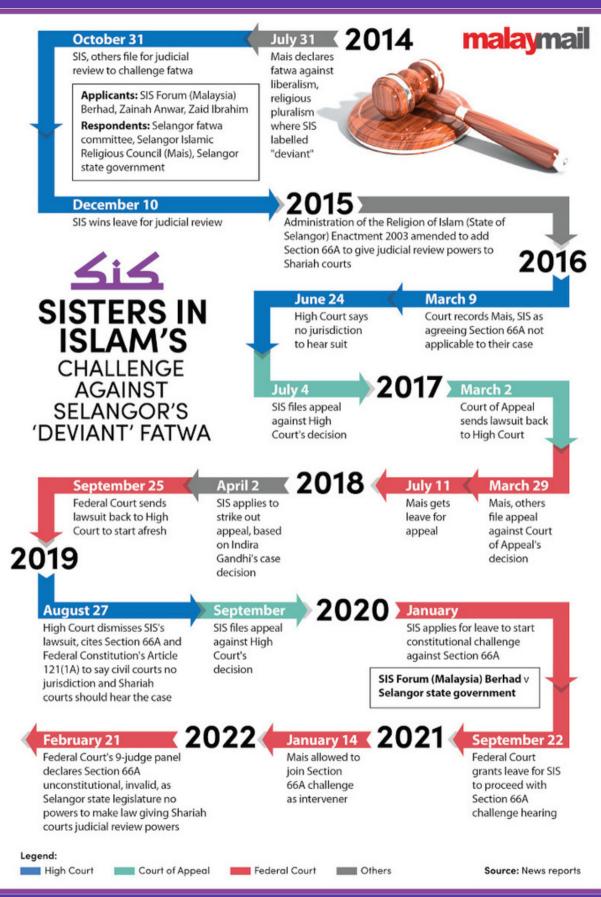
SIS Forum (Malaysia) and any individuals, organisations or institutions that subscribe to liberalism and religious pluralism are deviants and have strayed from Islamic teachings.

Any publications that have elements of liberal and religious plural thought should be banned and seized.

The Malaysian Communications and Multimedia Commission (MCMC) should block social media sites that are in contravention of Islamic teachings and Hukum Syarak.

Any individuals who subscribe to liberal and religious plural thought should repent and return to the path of Islam.

FATWA AGAINST SIS - 2014 until present



MALAYSIA

Federal Court: Selangor cannot empower Shariah courts to perform judicial reviews, power solely held by civil courts



Chief Justice Tun Tengku Maimun Tuan Mat speaks during a press conference during the Opening of the Legal Year 2022 at the Palace of Justice in Putrajaya January 14, 2022. — Picture by Yusof Mat Isa

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By IDA LIM

Monday, 21 Feb 2022 10:15 AM MYT

KUALA LUMPUR, Feb 21 — A nine-judge panel at the Federal Court today unanimously declared that the Selangor state legislative assembly has no authority to make an enactment giving the Shariah courts the power to carry out judicial reviews of Islamic authorities' decisions.

FATWA AGAINST SIS - 2023

In 2-1 ruling, court rejects Sisters in Islam's bid to challenge Selangor fatwa declaring it as deviant





The Court of Appeal then agreed to issue an interim stay order to ensure that the fatwa is not enforced on SIS Forum the appellants for now, — File picture by Yusof Mat Isa

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By Ida Lim

Tuesday, 14 Mar 2023 10:41 AM MYT

KUALA LUMPUR, March 14 — The Court of Appeal in a majority ruling today dismissed a challenge by women's rights group Sisters in Islam's (SIS) — via SIS Forum (Malaysia) Bhd — against Selangor's 2014 fatwa which had labelled the company as deviant from the teachings of Islam.

After bid to challenge Selangor fatwa failed, Sisters in Islam expresses concern over appellate court not following judicial precedent

⊠ 👂 💆 f



Sisters in Islam (SIS) has expressed concern over the Court of Appeal's decision to dismiss their bid to challenge a 2014 state fatwa labelling the organisation as deviant. — Reuters file pic

Sisters in Islam goes to Federal Court in bid to quash Selangor fatwa

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The Federal Court has fixed May 15 for case management for the leave application appeal. — Picture by Yusof Mat Isa

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Thursday, 27 Apr 2023 3:22 PM MYT

PUTRAJAYA, April 27 — Woman's rights group SIS Forum (Malaysia) has gone to the Federal Court in a final bid to quash a fatwa issued by the Selangor religious authorities labelling the group as deviants.

The organisation and one of its co-founders Zainah Mahfoozah Anwar had filed an application on April 14 this year, seeking to get leave from the Federal Court to appeal against the Court of Appeal's dismissal of its challenge against the fatwa.

Leave Application at the Federal Court - 21 August 2023

CURRENT CHALLENGES

Religious affairs minister: I hope RUU355 happens before I die



Datuk Seri Zulkifli Mohamad said proposals on the Bill to amend the Shariah Courts (Criminal Jurisdiction) Act 1965 or Act 355 — known as RUU355 in Malay — need to be presented to state Islamic authorities before tabling, — Picture by Yusof Mat Isa

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By SOO WERN JUN

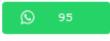
Monday, 10 Aug 2020 5:55 PM MYT

KUALA LUMPUR, Aug 10 — Religious Affairs Minister Datuk Zulkifli Mohamad has expressed his hope today for the controversial amendments that would allow harsher punishments for Shariah criminal offences to be realised before his death.

RUU355 is prelude to Taliban country, says ex-Sabah think tank head

Ainaa Aiman - September 18, 2021 7:30 AM









Johan Ariffin Samad (left) says there is no rationale for the RUU3SS bill but Darell Leiking feels it is fine if it only pertains to shariah courts.

PETALING JAYA: A former CEO of a Sabah think tank contends that the passing of the Shariah Courts (Criminal Jurisdiction) Act 1965 amendment bill, better known as RUU355, is the beginning of an Islamic state and implementation of hudud laws.

"If implemented, Malaysia will be like another Taliban country. There is no rationale to introduce new shariah laws as the current ones are sufficient," said Johan Ariffin Samad, who headed the state-funded Institute for Development Studies two years ago,

RUU 355 still on track, PAS Youth chief tells delegates at its muktamar



PAS deputy president Datuk Seri Tuan Ibrahim Tuan Man (8th, left) with PAS Youth members at the 63rd PAS Youth Annual General Meeting in Alor Setar, September 1, 2022. — Bernama pic

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By Radzi Razak

Thursday, 01 Sep 2022 4:07 PM MYT

ALOR SETAR, Sept 1 — PAS has not forgotten its promise to legislate the controversial Shariah Courts (Criminal Jurisdiction) (Amendment) Bill that imposes harsher penalties on Muslims convicted of religious offences, Youth chief Ahmad Fadhli Shaari told delegates at the party's annual congress here today.

Efforts to expand syariah punishments in the name of elevating Syariah Courts and Islam, including through reinterpreting the Federal Constitution that provides Islam as the religion of the Federation to mean that Malaysia is an Islamic state.

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